

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 118 by Representative Jane Smith

CRIMINAL/PROCEDURE: Removes requirement that a substitute attorney appointed for a district attorney who is recused be from the same judicial district as the district attorney who has been recused

Synopsis of Senate Amendments

1. Authorizes the governing authority of the parish of Iberia or any municipal or parish board to employ or retain its own attorney if deemed necessary and approved by a majority vote.

Digest of Bill as Finally Passed by Senate

Present law provides that when a district attorney is recused, or recuses himself, the trial judge shall either appoint an attorney at law of that district, who has the qualifications of a district attorney and is not an assistant to the recused district attorney, to act in the place of the district attorney in the case, or shall notify the attorney general in writing of the recusation.

Proposed law removes the requirement that when a district attorney is recused, the judge shall appoint another attorney from the same judicial district as the district attorney who is recused.

Proposed law provides that the governing authority of the parish of Iberia or any municipal or parish board may employ or retain its own attorney to represent it, if such governing authority or board finds it necessary in certain circumstances and approves such employment or retention by a majority vote.

(Amends C.Cr.P. Art. 682; Adds R.S. 16:2(G))